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REGISTRATION DIVISION
99 APR 28 AM 9:09
STATE OF WASH.
UTILITIES AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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SKAGIT COUNTY,)	
)	DOCKET NO. TR-980787
)	
Petitioner,)	
)	SKAGIT COUNTY'S MOTION TO
vs.)	STRIKE HEARING DATE AND TO
)	SET STATUS CONFERENCE
BURLINGTON NORTHERN AND)	
SANTE FE RAILWAY COMPANY,)	
)	
Respondent.)	

COMES NOW Skagit County, through its attorney, Paul H. Reilly, and respectfully moves that the evidentiary hearing and the public hearing in this matter, both of which are presently set for May 18, 1999, be reset for a time convenient to the Commission and all parties. The purpose of this request is to permit completion of the fact finding necessary to allow either a negotiated resolution of this matter, or a coherent presentation of the issues and facts to the WUTC, should it become necessary.

It is proposed that a specific hearing date not be presently set, but that a status conference be scheduled on or about June 15, 1999, for the purpose of assessing the negotiation of discovery process at that time and to schedule both a new evidentiary hearing and public hearing on these matters if warranted.




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It is submitted that a delay in this matter presents no issues of prejudice to any party.

This request is supported by the Declaration of Skagit County's attorney, filed herewith.

DATED this ^{se} 27 day of April, 1999.

SKAGIT COUNTY PROSECUTING ATTORNEY

By: 
PAUL H. REILLY, Civil Litigator
WSBA #10709
Attorney for Petitioner

RECEIVED
DEPARTMENT OF
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SKAGIT COUNTY,)	
)	DOCKET NO. TR-980787
)	
Petitioner,)	
)	DECLARATION OF PAUL H. REILLY
vs.)	IN SUPPORT OF MOTION TO STRIKE
)	HEARING DATE AND TO SET STATUS
BURLINGTON NORTHERN AND)	CONFERENCE
SANTE FE RAILWAY COMPANY,)	
)	
Respondent.)	

I, PAUL H. REILLY, declare as follows:

That I am over the age of 18 years, am one of the attorneys for Skagit County in this matter, and competent to be a witness herein;

A continuance and resetting of the hearings date is necessary in this matter in light of the fact that the parties are continuing fact finding and good faith negotiation based thereon. My best estimate of the time necessary to complete fact finding and, following that, an attempt to come to a negotiated resolution to the dispute is three to five months.

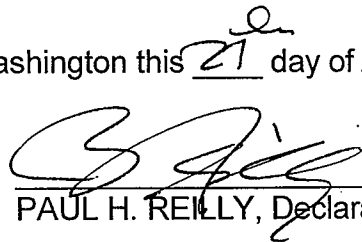
At the date of this Declaration, Declarant has been advised by Robert Cedarbaum, Assistant Attorney General representing the Board in this matter, that he has no objection to striking and rescheduling the presently set hearing date. Further, Declarant has spoken with Mark Mostul, present counsel for BNSF, and has been

1 informed that he has no objection to Skagit County's request that the hearing date be
2 stricken, to subsequently be reset. Neither counsel feel a hearing is necessary on this
3 motion and agree that Judge Moss may rule without hearing.

4
5 However, if a telephone conference is deemed necessary as to this motion,
6 counsel for Skagit County will make himself available to the convenience of other
7 parties and to this Commission.

8 I certify under penalty of perjury under the laws of the State of Washington that
9 the foregoing is true and correct.

10 EXECUTED at Mount Vernon, Washington this 21 day of April, 1999.

11
12 
13 PAUL H. REILLY, Declarant

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SKAGIT COUNTY,)	
)	DOCKET NO. TR-980787
)	
Petitioner,)	DECLARATION OF DELIVERY BY:
)	
vs.)	___ ABC/LMI
)	<u>XX</u> U.S. MAIL
BURLINGTON NORTHERN AND)	___ FACSIMILE
SANTE FE RAILWAY COMPANY,)	
)	
Respondent.)	

I, Terri A. Durkee, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein;

That I, as a secretary in the office of the Skagit County Prosecuting Attorney, caused true and correct copies of the following documents to be delivered as set forth below:

Skagit County's Motion to Strike Hearing Date and to Set Status Conference
Declaration of Paul H. Reilly in Support of Motion to Strike Hearing Date . . .
Declaration Of Mailing

and that I addressed said documents to the following:

Mr. Mark Mostul
Kroschel Gibson Kinerk Reeve, LLP
110 110th Avenue NE, Suite 607
Bellevue, WA 98004

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Mr. Robert Cedarbaum
Assistant Attorney General
1400 S. Evergreen Park Drive SW
Olympia, WA 98504


Mike Rowswell
WUTC
1300 S. Evergreen Park Drive SW
Olympia, WA 98504

and on the 26th day of April, 1999, deposited said documents so addressed as follows:

- by first-class mail, with sufficient postage prepaid thereon, in the United States Mail, at Mount Vernon, Skagit County, Washington.
- sent for delivery by ABC-LEGAL MESSENGERS INC., at Mount Vernon, Skagit County, Washington.
- sent for delivery by facsimile to the offices of _____ (FAX Number: _____) and to the offices of _____ (FAX Number: _____).

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Mount Vernon, Washington, this 21st day of April, 1999.



TERRI A. DURKEE, Declarant